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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,710	09/09/2003	Heinz-Joachim Belt	037110.52697US	8741
23911	7590	10/07/2005	EXAMINER	
CROWELL & MORING LLP INTELLECTUAL PROPERTY GROUP P.O. BOX 14300 WASHINGTON, DC 20044-4300			NGUYEN, NGOC YEN M	
			ART UNIT	PAPER NUMBER
			1754	

DATE MAILED: 10/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/657,710	BELT ET AL.
Examiner	Art Unit	
Ngoc-Yen M. Nguyen	1754	

## ***Office Action Summary***

*– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –*

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on \_\_\_\_.

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-10 is/are pending in the application.  
4a) Of the above claim(s) 10 is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 1-9 is/are rejected.  
7)  Claim(s) \_\_\_\_\_ is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \*.c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_

**DETAILED ACTION**

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-9 are, drawn to a process for purifying contaminated sulfuryl fluoride, classified in class 423, subclass 468.
- II. Claim 10 is, drawn to a sorbent kit, classified in class 502, subclass 416+.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the process as claimed can be practice by another materially different apparatus such as by a bed with just an alkali metal fluoride.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

During a telephone conversation with Mr. J. D. Evans on September 30, 2005 a provisional election was made with traverse to prosecute the invention of Group I, claims 1-9. Affirmation of this election must be made by applicant in replying to this Office action. Claim 10 is withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 7, 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Pez et al (4,406,825).

Pez '825 discloses that  $\text{SO}_2\text{F}_2$ , i.e., sulfonyl fluoride, is pretreated by storage over dry KF to remove any adventitious HF before being used in a process (note column 11, lines 3-6).

Since the sulfonyl fluoride is passed from the storage, which contains the KF, to the reactor, it is considered that the step of contacting sulfonyl fluoride with KF is carried out immediately prior to the use of the sulfonyl fluoride.

The process of Pez '825 anticipates the claimed process

Claims 1-2, 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Jones et al (4,003,984).

Jones '984 discloses a process for producing sulfonyl fluoride (note claim 1). The sulfonyl fluoride is then passed to a tube filled with NaF tablets to remove HF (note column 4, lines 15-18).

The process of Jones '825 anticipates the claimed process.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pez '825 or Jones '984, either one in view of Fujioka et al (4,950,464).

Pez '825 and Jones '984 disclose a process for passing sulfonyl fluoride through an alkali metal fluoride to remove HF as stated in the above rejections.

For the temperature for the contact between sulfonyl fluoride and the alkali metal fluoride, it would have been obvious one of ordinary skill in the art to optimize such temperature in order to facilitate the removal of HF.

Pez '825 and Jones '984 do not disclose the step of regenerate the alkali metal fluoride that acts as an adsorbent for the HF, however, regenerating an adsorbent in order to reuse it is well known and conventional in the art.

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Pez '825 and Jones '984 do not disclose the presence of other impurities.

Fujioka '464 teaches that typical impurities in sulfonyl fluoride are hydrogen fluoride, hydrogen chloride, thionyl fluoride, sulfur dioxide, and chlorinated hydrocarbons, such as 1,2 dichloroethane (note column 2, lines 13-19). Fujioka '464 teaches the use of activated alumina and activated carbon to remove the impurities. The process of Fujioka '464 can be carried out before or after the process of Pez '825 or the process of Jones '984 in order to further purify the sulfonyl fluoride.

It would have been obvious to one of ordinary skill in the art to use the process of Pez '825 or Jones '984 to purify sulfonyl fluoride which includes other impurities beside hydrogen fluoride, as suggested by Fujioka '464 because these are known and typical impurities in sulfonyl fluoride.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ngoc-Yen M. Nguyen whose telephone number is (571) 272-1356. The examiner is currently on Part time schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Stan Silverman can be reached on (571) 272-1358. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed (571) 272-1700.

*Ngoc-Yen Nguyen*  
Ngoc-Yen M. Nguyen  
Primary Examiner  
Art Unit 1754

nmm  
October 3, 2005